

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

D'ANDRE ALEXANDER,

Plaintiff,

No. 15-10294

vs.

District Judge David M. Lawson

ANN HOFFMAN, SHANNON FLAUGHER, Magistrate Judge R. Steven Whalen
EDWARD NEITZEL, JERMAR ROZIER,
WILLIAM PUTNAM, SCOTT WALTHER,
RUSSELL VITTITOW, DARREL BARROWS,
DONALD RICUMSTRICT, O'BELL THOMAS
WINN, SCOTTY FREED, JAMES ZUMMER,
THOMAS FINCO, EDWARD PAINE, LLOYD
RAPELJE, BOBBY KARL, DELANDON THOMAS,
JEFF STOLTENBERG, CHARLES TURNER,
CORRECTIONS OFFICER VANSURMAN, and
ROBERT NORTON,

Defendants.

ORDER

On January 23, 2015, Plaintiff D'Andre Alexander, a prison inmate in the custody of the Michigan Department of Corrections ("MDOC") filed a *pro se* civil complaint under 42 U.S.C. § 1983, naming as Defendants 21 MDOC employees. The Defendants filed a motion to sever based on misjoinder of parties and claims [Doc. #39].

On April 5, 2016, Plaintiff D'Andre Alexander's motion to voluntarily dismiss his case was docketed [Doc. #65]. The caption of the motion indicated the correct docket number of this case, the correct lead Defendant (Ann Hoffman), and the correct judicial

officers. In his motion to voluntarily dismiss, Mr. Alexander states that he “had difficulty ascertaining certain issues with his own complaint,” and that he “wants to simplify the issues by breaking down the case into different lawsuits.” He states that he “wants the court and defendants’ attorney to be able to easily interpret [the] case as much as possible, and himself.” The motion itself is dated March 30, 2016.

On March 31, 2016, the Court entered an Opinion and Order denying Defendants’ motion to sever [Doc. #63]. Mr. Alexander would not have received this Opinion and Order at the time he filed his motion to voluntarily dismiss. On April 11, 2016, Mr. Alexander filed a motion to strike his previously filed motion to voluntarily dismiss [Doc. #69]. His motion is dated April 5, 2016; he presumptively would have received the Court’s March 31st order denying severance by that time. In his motion to strike, Mr. Alexander states, “After reviewing my file, I have noticed that I sent the motion to voluntarily dismiss this case to this court instead on the Western District court. I have a case pending in the wester district in which had similar circumstances and sent it to this court by mistake.” He then sent the Court a letter, docketed on April 19, 2016, reiterating that he mistakenly sent the motion to voluntarily dismiss to this Court rather than to the Western District of Michigan [Doc. #71].

So that the Court may properly assess Mr. Alexander’s motion to strike [Doc. #69], it is necessary for him to provide more complete information regarding the Western District case that he now claims was the intended object of his motion to voluntarily

dismiss.

IT IS THEREFORE ORDERED that within 14 days of the date of this Order, Mr. Alexander must provide this Court with the following information:

1. The complete case name and docket number of the case that he refers to as having been filed in the United States District Court for the Western District of Michigan.
2. A copy of the complaint that he filed in the Western District of Michigan.
3. A copy of any motion to voluntarily dismiss filed in the Western District of Michigan case.
4. The name of the attorney(s) representing the defendants in the Western District of Michigan case.

IT IS FURTHER ORDERED that Mr. Alexander will serve the above information, by first-class mail, on counsel for the Defendants in the present case, and will file a proof of service with this Court.

IT IS FURTHER ORDERED that no later than 21 days after Mr. Alexander has served the above information, the Defendants in this case may file a response to Mr. Alexander's motion to strike his motion to dismiss.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: May 11, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 11, 2016, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the
Honorable R. Steven Whalen